

Tuesday, October 18, 2016

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold, and Chairperson Lynn Compton

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.

Consent Agenda – Review and Approval:

1-18. This is the time set for consideration of the Consent Agenda.

Chairperson Compton: opens the floor to public comment without response.

The action taken for Consent Agenda items 1 through 18 on the following vote is indicated for each item.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Administrative Office Items:

- 1.** Request to approve a 2017 renewal contract with Topaz Solar Farms in the amount of \$465,545, under which County Fire would continue to provide 24/7 fire protection and emergency medical services to California Valley through December 31, 2017, and delegate authority to the County Administrative Officer to approve annual extensions of the agreement indexed to inflation for up to 10 years. District 5.

The Board approves as recommended by the County Administrative Officer.

- 2.** Resolution of intent to participate in "The Great California ShakeOut" on October 20, 2016, at 10:20 AM. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-255, adopted.

Consent Agenda - Board of Supervisors Items:

- 3.** Request to approve an agreement with the Grover Beach Community Library allocating \$8,000 from District Community Project Funds - Fund Center #106 to be used towards expenses associated with upgrading the Library. District 3.

The Board approves as recommended by the County Administrative Officer.

- 4.** Request to approve an agreement with the Pleasant Valley Estrella Cemetery District allocating \$4,000 from District Community Project Funds - Fund Center #106 to be used for maintenance and administrative expenses at the two cemeteries. District 1.

The Board approves as recommended by the County Administrative Officer.

5. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d). District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

6. Request to approve the minutes of the Board of Supervisors meetings held during the month of August 2016. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - District Attorney Items:

7. Submittal of a resolution amending Fund Center 132 - District Attorney's Position Allocation List (PAL) to delete a 0.50 FTE Administrative Assistant position and add a 1.00 FTE Administrative Services Manager position to reorganize and improve fiscal and administrative management of the District Attorney's Office. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-256, adopted.

8. Submittal of a resolution authorizing the District Attorney to submit a proposal (Clerk's File) for a FY 2016-17 State's Workers' Compensation Insurance Fraud Prosecution and Investigation Program grant in the amount of \$54,419 and to execute the State agreement including any extensions or amendments. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-257, adopted.

Consent Agenda - Health Agency Items:

9. Request to approve FY 2016-17 through FY 2018-19 renewal contracts (Clerk's File) with the incorporated cities of Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Pismo Beach, Paso Robles, and San Luis Obispo to provide animal care and control services in the estimated annual amount of \$859,706. All Districts.

The Board approves as recommended by the County Administrative Officer.

10. Request to approve a new FY 2016-17 contract, with the option to renew for one additional year, with ExMed, Inc. not to exceed the budgeted amount of \$1,115,400 to provide locum tenens (temporary) licensed psychiatrist services. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Parks & Recreation Items:

11. Request to authorize a budget adjustment in the amount of \$195,000 transferred from Lopez Lake Reserves to Lopez Lake Infrastructure Project to complete the 50 amp electrical service and campsite upgrades to the Lake Lopez Campaneros Campground. District 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Probation Items:

12. Request to approve a FY 2016-17 contract with Family Care Network, Inc., in an amount not to exceed \$150,000 to provide cognitive behavioral treatment services for the Juvenile Hall treatment program. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

13. Submittal of bid opening report for the Widening of L Street between 13th and 14th Street and Expansion of San Miguel Community Park, San Miguel, to award the subject contract to G. Sosa Construction, Inc., the lowest responsive, responsible bidder, in the amount of \$1,971,751; approve contract amendments with Wallace Group for project design services; and authorize a budget adjustment, in the amount of \$808,406, from Fund Center (FC) 305 – Parks, FC 247 – Park Public Facility Fees, and FC 857 – Quimby Fees to FC 230, San Miguel Park and San Miguel L Street Widening projects. District 1.

The Board approves as recommended by the County Administrative Officer.

14. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the Juvenile Hall Expansion project. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-258, adopted.

15. Request 1) approval of Tract 2549, a proposed subdivision resulting in 41 lots, 3 open space lots, and 1 common lot by Las Tablas Villas, LLC, that has been received and has satisfied all of the conditions of approval that were established at the public hearing on the tentative map; and 2) act on the attached resolutions to approve an affordable housing agreement, an open space agreement, and to accept an offer of dedication for a public trail easement, Templeton. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2016-259, 2016-260, and 2016-261, adopted.

16. Submittal of right of way documents accepting conveyance to the County of San Luis Obispo from Edward A. and Mary E. Weipert for the South Higuera Left Turn Lane Project, San Luis Obispo. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

17. Request to approve updated bylaws for the Workforce Development Board of San Luis Obispo County. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Sheriff - Coroner Items:

18. Submittal of Inmate Welfare Fund Statement of Operations for FY 2015-16. All Districts.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

19. This is the time set for members of public to address the Board on matters that are not scheduled on the agenda.

Mr. Tommy Gong - County Clerk-Recorder: provides an update on the November 8th Presidential General Election.

Ms. Andrea Seastrand - Central Coast Taxpayers Association President (handouts); Mr. Gary

Kirkland; Mr. Eric Greening; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); and Ms. Sandi Tannler: address various issues relating Measure J. Additionally, Mr. Greening speaks to the first flush and an upcoming EcoSLO Cleanup Day.

Mr. Ben DiFatta: comments on Julie Tacker's upcoming candidacy and her various community efforts.

Dr. C. Hite: announces a Day of the Dead celebration hosted by Wilshire Hospice on November 6th at the San Luis Obispo Mission Plaza.

Ms. Susan Warren: encourages the Board watch the recent Health Commission meeting regarding the “Silver Tsunami”. **No action taken.**

Hearings:

- 20.** Hearing to consider and identify public needs for the proposed annual Urban County of San Luis Obispo 2017 Action Plan for the allocation of Federal grant funding associated with the Community Development Block Grant (CDBG), HOME Investment Partnerships Act (HOME), and Emergency Solutions Grant (ESG) programs. All Districts.

Mr. Matt Leal – Planning and Building: presents the staff presentation (powerpoint).

Chairperson Compton: opens the floor to public comment.

Mr. Chuck Jehle - Mission Community Services Corporation (MCSC) (handouts); Ms. Alexandra Steineck; Ms. Polly Mertens - MCSC; Mr. James Patterson – El Camino Homeless Organization (ECHO) President and The Central Coast LINK Member; Mr. Morgen Benevedo – People’s Self-Help Housing; Ms. Aurora William; Ms. Susan Warren; and Mr. Gary Kirkland: speak.

Supervisor Gibson: asks staff to carefully weigh the importance of projects with other identified needs; and engage a city and county dialogue relative to the use of Community Development Block Grant (CDBG) funds.

The Board conducts the public hearing to receive testimony on how the housing and community needs should be used to allocate federal grant program funding identified in the annual 2017 Action Plan. **No action taken.**

- 21.** Hearing to consider an appeal by Peter Byrne of the Planning Commission’s approval of a request by Greg Bone and Audrey Burnam for a Conditional Use Permit (DRC2013-00096) for the conversion of a portion of an existing 3,445 square foot (sf) olive oil processing facility to include: a 997 sf of restaurant, a 94 sf olive oil tasting area, up to 100 sf of retail space (permanent farm stand), the processing of 540 tons of olives not grown on-site, ordinance modifications to the size and operating hours of the restaurant, ordinance modifications to the setbacks for the Olive Oil processing facility and the farm stand located on the south side of Kiler Canyon Road, 1.35 miles west of the City of Paso Robles (at 1111 Kiler Canyon Road), also under consideration is a Mitigated Negative Declaration. District 1.

Board Members: disclose their ex-parte communications relating to this hearing.

Ms. Holly Phipps – Planning and Building: presents the staff presentation (powerpoint).

Mr. Peter Byrne – Appellant (photographs and videos): speaks.

Ms. Pamela Jardini – Applicant’s Agent (powerpoint and handout): speaks.

Board Members: address the secondary access; the fire sprinklers; offsite processing relating to the number of truck delivery trips; compaction testing; the site’s and nearby wineries hours of operation; enforcement, occurrence and frequency of “reasonable events”; the project’s timeline; and various permit processes, with Ms. Phipps, Ms. Karen Nall – Planning and Building, Ms. Jardini and Ms. Audrey Burnam – Applicant responding.

Chairperson Compton: opens the floor to public comment.

Mr. Cody Ferguson; Ms. Colleen Ferguson; Mr. Roger Thompquist; Ms. Janet Thompquist; Mr. Quill Chase; Ms. Hilary Graves; Mr. Casey Biggs; Ms. Greta Hilde; Ms. Lucas Pope; Ms. Alison Denlinger; Mr. Lee Adinolfi; Ms. Jane Carey; Mr. Greg Traynor; Ms. Beth Anderson; Mr. Steve Williams; Mr. Don Hofer; Ms. Sheila Wynne; Mr. John Rolph; Mr. John Belsher; and Ms. Cheryl Klain: speak.

(Clerk’s Note: Mr. Richard Seechiaroli submitted a speaker slip but was not present to speak.)

Ms. Jardini and Mr. Byrne: provide closing statements.

On motion by Supervisor Mecham, seconded by Supervisor Hill, to partially uphold the appeal; disallowing the hours of operation to go to nine o’clock and extending the business hours of operation from three to five days a week, is discussed.

Ms. Karen Nall – Planning and Building: asks if the hours of operation are being changed to seven days a week from 11:00 am to 5:00 pm; and if the second sentence from Condition No. 28 is being removed as suggested by Supervisor Arnold, with the motion maker responding yes. Furthermore, Ms. Nall, reviews the changes to the resolution in Exhibit B – Conditions of Approval, Condition No. 1. Subsections B and G, and 28.

Mr. Bill Robeson – Planning and Building: states the references to “Minor Use Permit” needs to be changed to “Conditional Use Permit” in Condition No. 29.

Clerk: asks if Finding E. in Exhibit A needs to be modified to reflect the modified hours of operation, with Ms. Rita Neal responding yes. Additionally, asks if the resolution title needs to be changed to “partially uphold” the appeal, with the motion maker clarifying the motion is to deny the appeal with the modified conditions.

The Board amends the resolution as follows: Exhibit A – Findings, Section E. is replaced to read “The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed tasting room/restaurant/limited food service facility will be limited to 998 sf and be restricted to a total of 7 days per week from 11:00 am to 5:00 pm.”; Exhibit B – Conditions of Approval, Condition No. 1, Subsection B. is replaced to read “Public access to the site for tasting room/restaurant/limited food service facility/retail sales operation shall be restricted to a total of 7 days per week from 11:00 am to 5:00 pm” and Subsection G. is replaced to read “Public access to the site for educational olive oil tours, olive oil workshops, olive oil club functions, and olive oil related incidental uses shall be restricted to fewer than 50 people to a total of 7 days per week from 11:00 am to 5:00 pm. Reasonable private gatherings of family and friends of the property owners are not limited.”; Condition No. 28, the second sentence is removed that reads “Any additions to the structure including enclosing the covered porch area for dining, and/or removing furnishing allowing an increased occupancy load at this location shall require the installation of a commercial NFPA compliant automatic Fire sprinklers.”; and Condition No. 29, “Minor Use Permit” references are replaced with “Conditional Use Permit”. Furthermore, RESOLUTION NO. 2016-262, a resolution denying the appeal of E. Peter Byrne, affirming the decision of the Planning Commission, and conditionally approving the application of Greg Bone and Audrey Burnam for a Conditional Use Permit, adopted as amended.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Closed Session Items:

22.
- The Board announces they will be going into Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Three; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Three.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) PG&E's 2017 General Rate Case A: 15-09-001; (4) Application Filed by PG&E for Retirement of Diablo Canyon Power Plant A: 16-08-006; (5) San Luis Flood Control and Water Conservation District v. A. Teichert and Sons, Inc., et al.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (6) San Luis Obispo Government Attorney’s Union (SLOGAU); (7) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (8) Deputy County Counsel’s Association (DCCA); (9) Sheriffs’ Management; (10) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (11) Deputy Sheriff’s Association (DSA); (12) District Attorney Investigators’ Association (DAIA); (13) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (14) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (15) Unrepresented Management and Confidential Employees; and (16) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

(Added Closed Session, per the Addendum to the Agenda. PERSONNEL (Government Code section 54957.) It is the intention of the Board to meet in closed session to: (17) Consider Public Employee Appointment for the Position of the Director of Social Services. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Chairperson Compton: opens the floor to public comment.

Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speak.

(Clerk’s Note: Mr. Gary Kirkland submitted a speaker slip was not present to speak.)

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Hearings:

- 23.** Hearing to consider adoption of an Ordinance establishing rules and regulations for use of the sewer service area collection system in Los Osos. District 2.

Mr. William Clemens – Public Works: presents the staff presentation (powerpoint).

Chairperson Compton: opens the floor to public comment without response.

The Board holds the hearing; the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3335, an ordinance establishing rules and regulations for sewer service area in Los Osos, adopted. Furthermore, the clerk is directed to publish a summary of the proposed ordinance and the names of those Supervisors voting for and against the Ordinance in a newspaper of general circulation printed and published in the County of San Luis Obispo within 15 days of adoption of the Ordinance, pursuant to Government Code Section 25124(b).

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			

Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

24. Hearing to consider an appeal by Norman Beko of the Planning Commission’s approval of a request by Hitachi Zosen Inova USA, LLC for a Conditional Use Permit (DRC2015-00122) to allow for: the construction and operation of an anaerobic digestion plant to process green and food waste from the Waste Connections service area; a setback modification; remodel of an existing warehouse; and construction of a 36,000 sf addition located at 4388 Old Santa Fe Road, east of Hoover Avenue and Old Santa Fe Road, south of the city of San Luis Obispo; also under consideration is a Mitigated Negative Declaration. District 3.

Board Members: disclose their ex-parte communications relating to this hearing.

Ms. Brandi Cummings – Planning and Building: presents the staff presentation (powerpoint).

Board Members: question the projects public notification; recent information provided by the Applicant; and other agencies input, with Mr. Bill Worrell – Integrated Waste Management Authority (IWMA) responding.

Mr. John Fricks – Odgen & Fricks, Applicant Representative and Mr. Robb Eidemiller: speak.

Ms. Carol Florence - Applicant’s Representative (powerpoint): speaks.

Board Members: discuss various odor impacting issues, with Mr. Paul Miller – Project Manager responding.

Chairperson Compton: opens the floor to public comment.

Mr. Norman Beko - Appellant; Mr. Michael Kyle; Mr. Bill Worrell – Integrated Waste Management Authority (IWMA); Mr. Curt VandeWalle; Mr. John Dunn; Mr. Gary Holtz; Ms. Rochelle Reed-Smith; Ms. Kathy Borland; Ms. Tina Galliani; Mr. David Smith; Mr. Mac Brinton; Mr. Paul Rys; Mr. Howard Amborn; and Mr. Pat Fenton – Waste Connections: speak.

Supervisor Mecham and Chairperson Compton: ask what affects a continuance will have on the project, with Ms. Florence stating they are acceptable of a 30 day continuance which will not impact their ability to receive a grant and Mr. Miller responding.

Mr. Fricks: provides closing remarks.

Board Members: address the reasons the Environmental Impact Report (EIR) wasn’t prepared for this project; and discuss continuing the hearing to resolve the concerns expressed by the public that relate to noise, traffic, and air quality, with Mr. Gary Willey – Air Pollution Control Board, Ms. Cummings, and Mr. James Caruso – Planning and Building, and Mr. Dan Buckshi - County Administrative Officer responding.

Supervisor Hill: states he is willing to host a meeting as soon as possible with the Applicant, Appellant and the public to address concerns and answer questions.

On motion by Supervisor Hill, seconded by Supervisor Gibson, to continue the appeal to Tuesday , November 15, 2016 and directs the County Administrative Officer to engage the necessary discussions to see where time can be freed up on that day, is discussed.

Chairperson Compton: states for the record that she is ok with the 30 day continuance so the Applicant doesn’t lose their grant but is not willing to continue this in order to rush this through to avoid lawsuit or stop the project.

The Board continues the appeal hearing appeal by Norman J. Beko to Tuesday, November 15, 2016, directing the County Administrative Officer to engage the necessary discussion to see where time

can be freed up on that day.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, October 18, 2016, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

TOMMY GONG, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: October 26, 2016